

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**

KANCOR AMERICAS, INC., and  
KANCOR INGREDIENTS, LTD.

Plaintiffs,

v.

ATC INGREDIENTS, INC.,

Defendant.

Civil Action No. 1:15-cv-00589-GBL-IDD

ATC INGREDIENTS, INC.,

Counterclaimant and Third Party Plaintiff,

v.

KANCOR INGREDIENTS, LTD.

Counterdefendant, &

KANCOR AMERICAS, INC.,

Third Party Defendant.

ATC's Objections to Kancor's Exhibit List

No.	Description	Objection
1	4.29.06 email from Thomas Jacob to Geemon Korah re: Advise – Travel Expense (KIN00198254)	Relevance
2	5.2.06 email from Thomas Jacob to Vivek Thomas re: Per Geemon – Agent letter (KIN00193493)	Relevance
4	5.4.06 email from Thomas Jacob to Vivek Thomas re: Thank you for Agent letter (KIN00193494)	Relevance
5	2.9.10 email from Vivek Thomas to Thomas Jacob re: Question – Kancor Goods (KIN00183094)	Relevance

7	New Vendor Request Form (KIN00199503)	Document provided as Exhibit 7 does not match the bates number listed; As to bates # listed – hearsay, relevance, as to document identified as Exhibit 7 – relevance
9	3.25.09 email from Thomas Jacob to Geemon Korah and Vivek Thomas re: Some good News – Campbells (KIN00173510-2)	Contains hearsay
12	8.28.06 email from Thomas Jacob to Geemon Korah cc: Sony Varghese re: Colgate Update/feedback request (KIN00198384)	Relevance, contains hearsay
13	9.6.07 Substitute W-9 Form (KIN00179088)	Relevance
14	3.15.12 email from Geemon Korah to Vivek Thomas and Jose Mathew re: Fwd: Agreement (KIN00104695)	Incomplete
15	9.27.10 email from Sunil Sankar to Thomas Jacob, Sijil Karim, svchandran re: Followup: ATC VKL Agreement (ATC000443-4)	Hearsay, relevance, incomplete
18	10.22.09 email from Thomas Jacob to Vivek Thomas and Celine John re: Deadline – Heinz (ATC048035)	Incomplete
19	5.20.08 email from Thomas Jacob to Georgiann Capsey re: Oleoresin Black Pepper Piperine Level 40.53% (ATC043651-2)	Contains hearsay, relevance
20	4.21.06 email from Vivek Thomas to V. Sasheendran re: VKL Travel Expense & Agent Agreement (KIN00192743-4)	Contains hearsay, relevance,
21	4.27.09 letter from VKL to General Mills re: ATC (ATC062157)	Relevance, hearsay, authenticity
22	11.19.15 SCC Business Entity Search (Exhibit 5 to Declaration of Ali Mojibi Yazdi in Support of Kancor's Opposition to ATC's Motion for Summary Judgment)	Relevance, hearsay, authenticity
23	11.19.15 SCC Business Entity Details (Exhibit 6 to Declaration of Ali Mojibi Yazdi in Support of Kancor's Opposition to ATC's Motion for Summary Judgment)	Relevance, hearsay, authenticity
25	8.13.12 email from Thomas Jacob to Celine John cc: Vivek Thomas, Vijay P V re: GLab payment (KIN00172462-3)	Incomplete
26	11.24.10 email from Thomas Jacob to Vivek Thomas and Celine John re: Authorization needed ATC Estimate Request (KIN00172551-3)	Contains hearsay
27	4.25.14 email from Thomas Jacob to Nick Nikola re: FYI: Draft – Service Agreement (ATC003594-603)	Inadmissible under Fed. R. Evid. Rule 408; relevance
28	4.28.09 email from Vivek Thomas to Thomas Jacob re: Chef Merito – Sea Shipment (KIN00000028)	Relevance
29	3.30.06 email from Thomas Jacob to Geemon Korah cc: Vivek Thomas re: Morton Bassett Status ... Good News (KIN00193464)	Relevance

30	7.8.09 email from Vivek Thomas to Thomas Jacob cc: Celine John re: Chef M – Inv 9501143 – 16-05-2009 (KIN00000032)	Relevance
31	7.8.09 email from Thomas Jacob to Vivek Thomas re: Chef M – Inv 9501143 – 16-05-2009 (00KIN174325)	Relevance
38	6.3.10 email from Geemon Korah to Thomas Jacob, Vivek Thomas, Vishwas Garg, Jose Mathew, V. Sasheendran re: ConAgra and Kalsec (KIN00003238-40)	Relevance, contains hearsay
42	6.13.07 email from Thomas Jacob to Vivek Thomas re: Reimbursement of promotion expenses (KIN00172492)	Relevance
43	10.10.07 letter from Rahul Lalka to Karnataka Bank re: Request for Bank Transfer of Dollar USD 5000 to Thomas Jacob (KIN0014342-4)	Relevance
44	3.27.07 email from Thomas Jacob to Vivek Thomas re: Email for Foran Spice (KIN00178646)	Relevance, contains hearsay
45	8.3.05 email from Vivek Thomas to Thomas Jacob re: Info Request (specialty extracts) (KIN00197530-4)	Relevance
46	8.3.05 email from Vivek Thomas to Thomas Jacob re: Info Request (specialty extracts) (KIN00197530-4)	Duplicate of Exhibits 45, relevance
47	1.2.14, 1.28.14, 2.12.14 Debit Notes (KIN00014345-7)	Incomplete, Inadmissible under Fed. R. Evid. Rule 408
48	5.28.14 email from Geemon Korah to Thomas Jacob re: Confidential (ATC066126-8)	Inadmissible under Fed. R. Evid. Rule 408
49	5.28.14 email from Geemon Korah to Thomas Jacob re: Confidential (ATC066129-31)	Inadmissible under Fed. R. Evid. Rule 408
50	1.7.14 email from Vivek Thomas to Thomas Jacob and Geemon Korah re: Reconciliation – ATC – Kancor and Excel spreadsheet (KIN00172621-2)	Inadmissible under Fed. R. Evid. Rule 408
51	2.7.14 email from Geemon Korah to Thomas Jacob and SV Mathew re: Customer Mgt and Remittances due (KIN00213180-3)	Inadmissible under Fed. R. Evid. Rule 408
52	11.13.12 email from Vivek Thomas to Thomas Jacob cc: Jose Mathew, Vijay P V re: ATC – reports for Kancor (KIN00202734)	Inadmissible under Fed. R. Evid. Rule 408
53	11.16.12 email from Vivek Thomas to Thomas Jacob re: ATC – reports for Kancor (KIN00204147-9)	Inadmissible under Fed. R. Evid. Rule 408
54	3.27.14 email from Thomas Jacob to Vivek Thomas cc: Nick Nikola re: wire transfer – Kancor Debit Memo 2013-14-001 (ATC003736-40)	Inadmissible under Fed. R. Evid. Rule 408

55	2.13.13 email from Vivek Thomas to Thomas Jacob re: ATC Contract Balance (KIN00172504-5)	Inadmissible under Fed. R. Evid. Rule 408
56	6.3.13 email from Vivek Thomas to Thomas Jacob cc: Vijay P V, Celine John re: Feedback – Wixon Oleo Ginger Spec Sheet (ATC025011-2)	Contains hearsay; relevance
58	11.8.06 email from Vivek Thomas to Thomas Jacob re: Urgent Wild [FWD: FW: Paprika and turmeric information] (ATC003829-34)	Contains hearsay, relevance
59	2.14.07 email from Vivek Thomas to Thomas Jacob re: Sample Request: Oleo Paprika 80CV (ATC003896-8)	Contains hearsay, relevance
60	2.19.07 email from Vivek Thomas to Thomas Jacob re: Nestle USA Quote/Sample Request (ATC003899-3900)	Relevance
61	2.15.07 email from Thomas Jacob to Vivek Thomas re: Sample Request – Legacy Foods (KIN00001089)	Relevance
62	6.27.07 email from Vivek Thomas to Thomas Jacob re: Please respond to my emails. Thanks. (ATC011535-6)	Relevance
63	11.17.08 email from Celine John to Thomas Jacob cc: Vivek Thomas re: Sample Request – Wild Flavors (Granor) (ATC041479-80)	Relevance
64	7.27.09 email from Thomas Jacob to Celine John cc: Vivek Thomas re: Sample Request – Wild Flavors (ATC061901-4)	Relevance
65	1.6.10 email from Thomas Jacob to Vivek Thomas cc: Celine John re: Wild 145K OR Paprika Odorless (ATC023732-4)	Relevance
66	2.23.10 email from Vivek Thomas to Thomas Jacob re: ConAgra-Kancor call confirmation (ATC051143-6)	Contains hearsay, relevance
67	12.2.13 email from Thomas Jacob to Celine John cc: Vivek Thomas re: Followup – Sample Request – Wixon OR Ginger – target sample (ATC032400-2)	Relevance
68	11.2.06 email from Thomas Jacob to Vivek Thomas re: Hydroblend product spec/background (KIN00068366)	Contains hearsay, incomplete, relevance
69	6.14.07 email from Thomas Jacob to Sanjaya Mariwala cc: Vivek Thomas, Geemon Korah, Sashi re: Companies to meet/2007 IFT (KIN00178840-1)	Relevance, hearsay, incomplete, authentication
70	6.14.07 email from Thomas Jacob to Vivek Thomas re: Account Status Review for Sanjaya (KIN00178838)	Relevance, Incomplete
71	Spreadsheet of samples (KIN00172613)	Authentication, Hearsay, relevance, document not provided

72	3.19.99 Party Register (KIN00172614)	Relevance, hearsay, authentication,
73	Spreadsheet of Sales Data 1994-95 to 2006-07 (from DOS) (KIN00172615)	Authentication, Hearsay, relevance, document not provided with exhibits
74	3.31.14 Kancor Americas, Inc. Financial Statements (KAM00000001-14)	Hearsay, authentication, foundation, requires expert testimony
75	3.31.15 Kancor North America, Inc. Financial Statements (KAM00043094-107)	Hearsay, authentication, foundation, requires expert testimony
76	9.15.15 Expert Witness Report of Mark L. Zyla, CPA/ABV, CFA, ASA	Hearsay, authentication, foundation, qualifications of expert, invades providence of jury,
77	9.15.15 Expert Witness Report of Mark L. Zyla, CPA/ABV, CFA, ASA	Hearsay, authentication, foundation, qualifications of expert, invades providence of jury
78	12.11.14 Kancor Americas, Inc.'s 2013 U.S. Corporation Income Tax Return (KAM00000015-29)	Hearsay, authentication, requires expert testimony
79	12.11.14 Kancor Americas, Inc.'s New Jersey Corporation Business Tax Return for period 4/1/13 to 3/31/14 (KAM00000030-49)	Hearsay, authentication, requires expert testimony
80	Sales Plan of Kancor US 2014-2015 (KAM00046221)	Authentication, Hearsay, relevance, document not provided in exhibits

81	Sales Plan of Kancor US 2014-2015 (KAM00046222)	Authentication, Hearsay, relevance, document not provided in exhibits
82	Reconciliation spreadsheet (KAM00046223)	Document not provided in exhibits, inadmissible under Fed. R. Evid Rule 408, authentication, contains hearsay
85	3.26.08 email from Thomas Jacob to Haris ( <a href="mailto:essentialoils@kancor.in">essentialoils@kancor.in</a> ) re: Vanilla Shipment Status (ATC004643)	Relevance, contains hearsay, authentication
86	9.14.07 email from Thomas Jacob to Vivek Thomas re: Symrise PO and instructions (KIN00179127-30)	Relevance, contains hearsay,
87	3.13.08 email from Vivek Thomas to Thomas Jacob re: Kancor Inv BI/02/07-08/0326 dtd 22-aug-2007 \$19681.20 (ATC004299)	Relevance
89	3.11.09 email from Thomas Jacob to Shane Sharareh re: Info required for starting subsidiary in US (ATC001599-604)	Hearsay, relevance
90	3.11.09 email from Shane Sharareh to Thomas Jacob re: Info required for starting subsidiary in US (ATC001670-1)	Hearsay, relevance, authentication
91	3.16.09 email from Shane Sharareh to Thomas Jacob re: Letter (ATC001663-8)	Hearsay
96	1.17.12 email from Vivek Thomas to Thomas Jacob cc: Jose Mathew re: Joint Business Agreement (KIN00204134) and 1.12.12 Agreement (KIN00204135)	Incomplete
97	10.15.15 email from Jeff Antonetti to Vivek Thomas re: ATC Emails (KIN00219309)	Hearsay, incomplete, authentication, foundation, relevance
98	8.24.15 email from Jeff Antonetti to Vivek Thomas re: Emailing: kancor sales 63099.xls (KIN00219317)	Hearsay, incomplete, authentication, foundation, relevance
99	8.19.15 email from Jeff Antonetti to Vivek Thomas re: Open Invoice Lists (KIN00219319)	Hearsay, incomplete, authentication, foundation, relevance
100	8.19.15 email from Jeff Antonetti to Vivek Thomas cc: Brenda Zerbe, Greg Antonetti re: Open Kancor Invoices (KIN00219324-5)	Hearsay, incomplete, authentication, foundation, relevance

101	8.24.15 email from Jeff Antonetti to Vivek Thomas re: Kancor Customer Rank 2.xls (KIN00219331)	Hearsay, incomplete, authentication, foundation, relevance
102	2.24.15 email from Jeff Antonetti to Thomas Jacob re: Past Due Invoices (KIN00219334)	Hearsay, incomplete, authentication, foundation, relevance
103	8.24.15 email from Jeff Antonetti to Vivek Thomas re: Sales Data (KIN00219373)	Hearsay, incomplete, authentication, foundation, relevance
104	1.26.15 email from Jeff Antonetti to Thomas Jacob cc: Brenda Zerbe, Greg Antonetti re: Open Invoice Letter (KIN00219471)	Hearsay, incomplete, authentication, foundation, relevance
105	Inventory Current - Trial spreadsheet (KIN00219494)	Hearsay, authentication, foundation, relevance
106	Acacia Spice inventory spreadsheet (KIN00219505)	Hearsay, authentication, foundation, relevance
109	1.10.06 email from Thomas Jacob to Geemon Korah cc: Vivek Thomas re: PepsiCo Non Disclosure Agreement (KIN00193425)	Relevance, incomplete
112	Business Plan (redacted)(KIN00219495-504)	Incomplete, hearsay, relevance

Respectfully Submitted,

ATC INGREDIENTS INC.  
By Counsel

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By: /s/ Nancy D. Greene  
Nancy D. Greene, VSB # 38984

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on December 10, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which system will then send notification to the following:

Anthony Herman (*pro hac vice*)  
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